



Atty. Docket No. SP-1076.2 US (EVE01 P-742A)

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

September 13, 2005
Date

Jack R. Buckley
Jacki R. Buckley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1745
Examiner : Gregg Cantelmo
Applicant : James Xixian Wu
Appln. No. : 10/638,849
Filing Date : August 11, 2003
Confirmation No. : 4449
For : ALKALINE ELECTROCHEMICAL CELL HAVING A NON-CRIMPED CLOSURE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

NOTICE OF APPEAL FROM THE PRIMARY
EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed June 13, 2005 finally rejecting claims 1-4, 6 and 7.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

other than a small entity
 small entity

Verified Statement

attached
 previously submitted on

500.00 OP

09/19/2005 WABDEL1 00000026 10638849

01 FD:1401

Applicant : James Xixian Wu
Appln. No. : 10/638,849
Page : 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 35 USC §41(a)(6) the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$250.00
<input checked="" type="checkbox"/>	other than a small entity	\$500.00

Notice of Appeal fee due: \$500.00

3. EXTENSION OF TIME

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(a) Applicant petitions for an extension of time under 37 C.F.R. §§41.37(e) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$120.00	\$60.00
<input type="checkbox"/> two months	\$450.00	\$225.00
<input type="checkbox"/> three months	\$1020.00	\$510.00

Fee: \$

If an additional extension of time is required please consider this a petition therefor.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee: \$500.00
Extension fee (if any): \$

Total Fee Due: \$500.00

Applicant : James Xixian Wu
Appln. No. : 10/638,849
Page : 3

5. FEE PAYMENT

Attached is a check in the sum of \$500.00

Charge Account No. 16 2463 the sum of \$
A duplicate of this transmittal is attached.

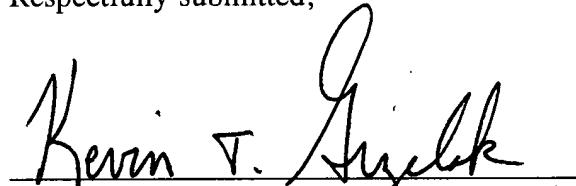
6. FEE DEFICIENCY

If any additional extension and/or fee is required charge Account No. 16 2463.

and/or

If any additional fee for claims is required, charge Account No. 16 2463.

Respectfully submitted,



Kevin T. Grzelak, Registration No. 35 169
Price, Heneveld, Cooper, DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

September 13, 2005.

Date

KTG/jrb